

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDWARD M. VON DER SCHMIDT, AKA  
EDDIE VON DER SCHMIDT AND KEANNA  
NGÔ,

Plaintiffs,

23-cv-3919 (PKC)

-against-

ORDER

TOM HIGGINS, et al.,

Defendants.

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CASTEL, U.S.D.J.

In an Order dated November 30, 2023, this Court raised the issue of this Court's subject matter jurisdiction on the ground invoked, diversity of citizenship, and required an amendment to the pleading and certain other information to be filed within 14 days. (ECF 38.) More than 14 days have passed and there has been no compliance with the Court's Order. Indeed, in a letter of December 3, 2023, plaintiffs' counsel acknowledged that ". . .the Plaintiffs cannot establish diversity jurisdiction." (ECF 39.)

The action is dismissed without prejudice and the Clerk shall close the case, terminating any pending motions. In the event a new action is filed in this Court raising factually related claims against any of the named defendants, plaintiffs' counsel shall mark the civil cover sheet of the new action as related to this action and request that it be assigned to the undersigned.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
December 18, 2023